

## Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 ERDA-07 AID-05 CEA-01 CIAE-00  
CIEP-02 COME-00 DODE-00 FPC-01 H-02 INR-07 INT-05  
L-03 NSAE-00 NSC-05 OMB-01 PM-04 USIA-15 OES-06 SP-02  
SS-15 STR-04 TRSE-00 ACDA-10 FEA-01 PA-02 PRS-01 /120 W  
-----180248 082611 /20

R 171526Z FEB 77

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 2493

INFO AMCONSUL MONTREAL

ALL OTHER AMCONSULS CANADA

UNCLAS OTTAWA 0627

E.O. 11652: N/A

TAGS: EMIN, ENRG, US, CA

SUBJECT: CANADIAN RECIPROCITY WITH PROVISIONS OF US MINERAL  
LEASING ACT

REF: STATE 313732

1. SUMMARY. INFORMATION SUPPLIED BY GOC LEGAL OFFICIAL  
INDICATES THAT CANADA CONTINUES TO EXTEND RECIPROCITY AS  
REQUIRED BY PROVISIONS OF US MINERAL LEASING ACT OF 1920.  
END SUMMARY.

2. EMBASSY RAISED QUESTION OF RECIPROCITY AS STATED REFTEL  
WITH RONALD E. WILLIAMS, DIRECTOR OF LEGAL SERVICES,  
DEPARTMENT OF ENERGY, MINES AND RESOURCES (EMR). WILLIAMS  
REPLIED BY LETTER, COVERING FOLLOWING AREAS OF CANADIAN LAW  
WHICH MIGHT RELATE TO QUESTION OF RECIPROCITY:

A. PROVINCIAL LAWS:

CANADIAN PROVINCES HAVE JURISDICTION OVER SURFACE AND  
SUBSURFACE RIGHTS ON LAND WITHIN THEIR BORDERS. EMR HAS  
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NOT SURVEYED LAWS OF EACH PROVINCE, BUT IS NOT AWARE  
THAT SUCH LAWS CONTAIN ANY PROVISION THAT WOULD BAR  
US CITIZENS FROM OWNING AN INTEREST IN ANY LEASE OF  
DEPOSITS OF MINERALS LISTED IN REFTEL OR ANY OTHER  
MINERALS.

B. CANADIAN FOREIGN INVESTMENT ACT:

THIS RELATIVELY NEW FEDERAL LEGISLATION DOES NOT  
BAR US CITIZENS FROM OWNING INTERESTS IN LEASES OF  
MINERALS LISTED IN REFTEL, ALTHOUGH IN SOME CIRCUMSTANCES  
IT MAY LIMIT CONTROL OF AN ENTERPRISE CONCERNED WITH  
SUCH LEASES.

C. CANADIAN MINING REGULATIONS KD CANADA OIL AND GAS  
LAND REGULATIONS:

THESE REGULATIONS AND OTHER RELATED REGULATIONS  
INTENDED TO ENHANCE CANADIAN PARTICIPATION IN CANADA'S  
RESOURCE INDUSTRIES DO NOT PURPORT, DIRECTLY OR  
INDIRECTLY, TO BAR US CITIZENS FROM OWNING INTERESTS IN  
LEASES OF MINERAL DEPOSITS MENTIONED REFTEL. ALTHOUGH  
SOME OF THESE REGULATIONS ARE DUE TO BE AMENDED, NONE  
OF PLANNED CHANGES WOULD ALTER RECIPROCITY VIS-A-VIS  
US CITIZENS.

D. URANIUM MINING:

PROPOSED URANIUM MINING LEGISLATION WOULD LIMIT ALL  
FOREIGNERS TO NON-CONTROLLING INTEREST (33 PERCENT) BUT,  
AS IN CASE OF REGULATIONS REFERRED TO IN SUBPARA C  
ABOVE, THEY WOULD NOT BAR PARTICIPATION BY US CITIZENS.

3. WILLIAMS SUGGESTED EMBASSY CONTACT PROVINCIAL  
GOVERNMENTS TO INQUIRE FURTHER ABOUT RECIPROCITY OF  
PROVINCIAL MINING LAWS, IF WEE DEEMED THIS NCESSARY.  
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EMBASSY BELIEVES EMR ASSESSMENT OF PROVINCIAL LAW  
IS RELIABLE AND WILL NOT PURSUE MATTER FURTHER UNLESS  
SO INSTRUCTED BY DEPARTMENT. EMBASSY WILL FORWARD  
COPY OF WILLIAMS' LETTER AND ACCOMPANYING LIST OF  
PROVINCIAL GOVERNMENT AGENCIES CONCERNED WITH THIS  
QUESTION TO EUR/CAN FOR TRANSMISSION TO DEPARTMENT  
OF INTERIRO.  
DUEMLING

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Executive Order:** N/A  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009